

October 28, 2024

VIA ECF

The Honorable Analisa Torres  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Nat'l Football League Players Ass'n v. DraftKings Inc., No. 24-cv-6407 (AT) (S.D.N.Y.)

Dear Judge Torres:

Pursuant to Rule IV(A)(ii) in this Court's Rules of Practice in Civil Cases, Defendants DraftKings Inc. and DK Crown Holdings Inc. (together, "DraftKings") respectfully request permission to file redacted versions of their pre-motion conference letter in support of their motion to dismiss, as well as the parties' joint letter pursuant to the initial pretrial conference order, in accordance with the instructions for filing redacted documents in the Southern District of New York's Electronic Case Filing Rules & Instructions, Section 6.

**On August 22, 2024, this Court already entered an order granting Plaintiffs' motion to redact, in Plaintiffs' Complaint and exhibits, the same limited information Defendants now propose redacting in their pre-motion conference letter and in the parties' joint letter. See Order, ECF No. 4, *Nat'l Football League Players Ass'n v. DraftKings Inc.*, No. 24-mc-391 (Aug. 22, 2024) (finding "good cause" to grant sealing request).**

The partial redaction of Defendants' pre-motion conference letter and the parties' joint letter is warranted to protect DraftKings' confidential information and trade secrets. *See, e.g., KeyBank Nat'l Ass'n v. Element Transp. LLC*, 2017 WL 384875, at \*3 (S.D.N.Y. Jan. 26, 2017); *PDV Sweeny, Inc. v. ConocoPhillips Co.*, 2014 WL 4979316, at \*3 (S.D.N.Y. Oct. 6, 2014). Specifically, the redaction request pertains to commercially sensitive, confidential financial terms in the parties' agreements, the disclosure of which could cause competitive harm. This information is covered by the confidentiality provisions contained in the parties' agreements.

Pursuant to Rule IV(A)(ii) of this Court's Rule of Practice in Civil Cases, DraftKings respectfully requests that only Plaintiffs' counsel be granted access to the unredacted version of Defendants' pre-motion conference letter and the parties' joint letter. DraftKings further requests that the Court permit the unredacted version of Defendants' pre-motion conference letter and the parties' joint letter to be filed under seal.

Sincerely,

/s/ Orin Snyder  
Orin Snyder

cc: All counsel of record (via ECF)